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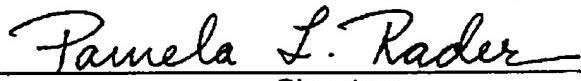
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In Re U.S. Patent Application Serial No. 10/870,983

Title: Method and System for Storing and Reporting Network Performance Metrics Using Histograms

Filing Date: 24 September 2003

Attorney Docket No. 233-569-USP/SAN452

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FROM: Peter B. Scull/Reg. No. 37,932

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Fax Transmittal Cover Sheet (1 page);

Issue Fee Transmittal (2 pages: 1 original + 1 duplicate for fee processing);

Courtesy copy of Power of Attorney and Change of Correspondence Address dated 3/25/05; and

Comments on Statements of Reasons for Allowance (2 pages).

Total Pages in Transmission: 6

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SEP 26 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial Number..... 10/670,983
Filing Date 09/24/2003
Inventorship David B. Hamilton et al.
Applicant..... McDATA Corporation
Art Unit..... 2857
Examiner..... Manuel L. Barbee
Attorney's Docket No. SAN452/233-569-USP
Title: Method And System For Storing And Reporting Network Performance Metrics Using Histograms

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

From: Peter B. Scull (Tel: 720-377-0773; Fax: 720-377-0777)
Customer No. 48929

COMMENTS ON STATEMENTS OF REASONS FOR ALLOWANCE

The Applicant acknowledges with appreciation the allowance of claims 2-8 and 13-20 in the subject application by the Examiner. The Applicant agrees with the Examiner's Statement of Reasons for Allowance to the extent that claims 2-8 and 13-20 are patentable over the references in the record.

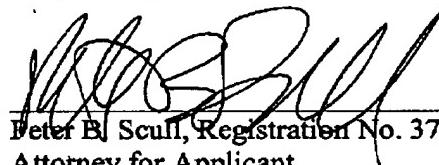
However, the Applicant expressly traverses the Examiner's Statement of Reasons for Allowance to the extent that any statement is intended to or has the intended effect of limiting a claim scope, explicitly or implicitly, by not reciting verbatim the respective claim language, or is intended to or has the effect of limiting a claim scope by stating or implying that all the reasons for patentability are in any way fully enumerated. The Applicant specifically does not acquiesce or agree in any manner as to any assertion in Examiner's statements that may be interpreted to narrow the claims to less than their recited scope.

More particularly, Applicant does not acquiesce in the interpretation of the independent claims 3, 14 and 19 as being limited to the elements specifically discussed in the Reasons for Allowance. Proper interpretation of the claims may rely on either or both more or less of the entire elements of each of the respective claims, independent and dependent. Furthermore, Applicant does not acquiesce in the interpretation of the references as set forth in the Reasons for Allowance; particularly, Ennis, Jr., et al. and Lewis, et al., arguments against which Applicant specifically reserves the right to present at any appropriate future time.

If there are any questions, please contact the undersigned attorney.

Dated: September 26, 2005

Respectfully submitted,



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